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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/564,773	01/13/2006	Lothar Bauersachs	16056.7	3652

22913 7590 06/18/2007  
WORKMAN NYDEGGER  
(F/K/A WORKMAN NYDEGGER & SEELEY)  
60 EAST SOUTH TEMPLE  
1000 EAGLE GATE TOWER  
SALT LAKE CITY, UT 84111

EXAMINER
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WOLFE, DEBRA M

ART UNIT	PAPER NUMBER
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3725

MAIL DATE	DELIVERY MODE
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06/18/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/564,773

Applicant(s)

BAUERSACHS ET AL.

Examiner

Debra Wolfe

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 March 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1 and 27-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1,27-29,32,33,38,41 and 45 is/are rejected.
- 7) ☒ Claim(s) 30,31,34-37,39,40,42-44 and 46 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_



## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Pryor (US Patent # 6,415,191). In reference to claims 1 and 27, Pryor discloses a method for shaping work pieces by using a shaping machine (NC Lathe) having at least one shaping tool (35), the method comprising the steps of handling a work piece (10) during a machining process with a handling device (chuck 12), prior to machining the work piece on a shaping machine (NC Lathe) determining the position and orientation of the shaping tool (35) by approaching a predetermined reference surface (an edge of the tool) on the shaping tool (35) with a detection device (95), thereby detecting the position of the predetermined reference surface, transmitting to an evaluating means (50) information from the detection device corresponding to the detected position of the predetermined reference surface and the evaluating means (50) determining the position and orientation of the shaping tool (35) from the transmitted information regarding the detected position of the predetermined reference surface and using the determined position of the shaping tool (35) as a basis for handling the work piece (10) by the handling device (12). It is noted by the Examiner that if the position of the shaping tool is determined to be inaccurate (i.e. the tool has substantial wear that it will not reach the work piece) the handling device (12) will



not rotate the work piece (10) since the shaping machine will be shut down to correct the tool position (i.e. by replacing the worn tool).

In reference to claim 28, the detection device (95) comprises the handling device (12) equipped with a sensor (95), as seen in figure 1.

In reference to claim 29, the handling device (12) of the detection device (95) is also used as a handling device for handling the work piece (10).

In reference to claim 32, the detection device (95) detects at least two points of the predetermined reference surface (edge of tool) by scanning the predetermined reference surface [See col. 9 lines 39-42].

In reference to claim 33, the detection device approaches at least three reference surfaces on the shaping tool (35), preferably in a predetermined sequence and in each case precisely detects a point on each of the predetermined reference surfaces. It is noted that the detection device (95) is U-shaped and therefore detects the end face and right and left sides of the tool (35).

In reference to claim 38, Pryor further discloses after replacing the shaping tool (35) with a new shaping tool (35) determining the position and orientation of the new shaping tool (35) using the detection device (95) and the evaluating means (50) in a learning step and biasing the handling of the work piece (10) on the determined position of the new shaping tool (35) [See col. 9 lines 36—54].

3. Claims 41 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by Pryor (US Patent # 6,415,191). Pryor discloses a device configured for shaping a work piece having at least one shaping machine, at least one handling device (12) for handling a work piece (10), at least



one detection device (95) and one predetermined reference surfaces on a shaping tool (35) of the shaping machine, wherein the at least one of the one or more predetermined reference surfaces is positioned to be scanned by the at least one detection device (95) and an evaluating means (50) configured to determine a position of the shaping tool (35) from information transmitted by the detection device (95). It is noted that the Examiner is defining the reference surfaces to be the edges of the tool.

In reference to claim 45, the predetermined reference surface on the shaping tool (35) are designed as a flat surface and at least two predetermined reference surfaces are oriented substantially at right angles relative to one another, as seen in figure 1. It is noted that the reference surfaces are defined as the edges of the rectangular shaped tool (35).

#### *Allowable Subject Matter*

Claims 30, 31, 34-37, 39, 40, 42-44, and 46 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

#### *Conclusion*

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Debra Wolfe whose telephone number is (571) 272-1904. The examiner can normally be reached Monday - Thursday 7am - 4:30pm with alternating Friday 7am - 3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Derris Banks can be reached at (571) 272-4419. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Debra Wolfe  
Examiner  
Art Unit 3725

A handwritten signature in black ink, appearing to read "D. Banks", is written over a horizontal line.

DERRIS H. BANKS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3700